

REMARKS

Careful consideration of the present application in view of the present amendments and remarks is most respectfully requested.

Applicant cancels claims 1-16 and adds new claims 17-28 to more particularly point out and distinctly claim the subject matter of the invention. No new matter is added by the amendments. Thus, claims 17-28 are pending in the present application and are respectfully submitted for reconsideration.

Rejections Under 35 U.S.C. 102/103:

Cancelled claims 1, 2, 6-9, 12 and 16 were rejected under 35 U.S.C. 102(b) as allegedly anticipated by European Patent Publication No. 0 045 493 ('493). Cancelled claims 1, 2, 4, 6-9, 12, 14 and 16 were rejected under 35 U.S.C. 102(b) as allegedly anticipated by Japanese Patent Publication No. 06-179614 ('614). Cancelled claims 1-3, 6-13 and 16 were rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over '493 in view of U.S. Patent Publication No. 2003/0148931 ('931), U.S. Patent No. 4,935,229 ('229), or U.S. Patent No. 5,219,562 ('562). Cancelled claims 1-3, 6-13 and 16 were rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over '614 in view of '931, '229 or '562. Cancelled claims 1-2, 4-12 and 14-16 were rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over '493 in view of U.S. Patent No. 6,168,798 ('798). Applicant respectfully traverses the anticipation and

obviousness rejections, and submits that the cited references, either alone or in combination, fail to disclose or suggest all the features of new claims 17-28.

The rejections are rendered moot as claims 1-16 are cancelled by the foregoing amendments. Applicant, however, submits that the cited references also fail to disclose or suggest all the features of new claims 17-28, as discussed below. Thus, claims 17-28 are distinguishable over the references cited against cancelled claims 1-16.

An example of the claimed invention is disclosed by claim 17, which recites a kit for external use for providing an antipruritic effect. The kit includes an acidic composition. The acidic composition includes at least one selected from among sodium alginate and potassium alginate. The acidic composition also includes at least one weak acid selected from among sodium dihydrogen phosphate, potassium dihydrogen phosphate and ethylenediaminetetraacetic acid-type weak acids. The acidic composition also includes water. The acidic composition also includes an adhesive for enhancing affinity to a skin surface. The acidic composition is to be applied into the skin surface. The kit also includes a solidifying/gelling agent which is an aqueous solution containing calcium glycerophosphate and at least one weak acid selected from among lactic acid and ethylenediaminetetraacetic acid-type weak acids.

The solidifying/gelling agent is to be applied to the acidic composition stuck to the skin surface.

Another example of the claimed invention is disclosed by claim 24, which recites a kit for external use for providing an anti-wrinkle effect. The kit includes an acidic composition. The acidic composition includes at least one selected from among sodium alginate and potassium alginate. The acidic composition also includes at least one weak acid selected from among sodium dihydrogen phosphate, potassium dihydrogen phosphate and ethylenediaminetetraacetic acid-type weak acids. The acidic composition also includes water. The acidic composition also includes an adhesive for enhancing affinity to a skin surface. The acidic composition also contains absorbent to be applied onto skin. The kit also includes a solidifying/gelling agent which is an aqueous solution containing calcium glycerophosphate and at least one weak acid selected from among lactic acid and ethylenediaminetetraacetic acid-type weak acids. The solidifying/gelling agent is to be applied to the acidic composition containing absorbent stuck to the skin surface.

The claimed embodiments disclose that hydrogel formation inside the horny, or rough, layer of skin leads to the cessation of itching of the skin. An alginate salt such as sodium alginate or potassium alginate may form hydrogel by divalent ion, such as calcium ion. Further, an acidic composition having, for example, an alginate and an acid may

penetrate the skin quickly. Once the hydrogel is formed on the skin surface, however, the hydrogel cannot penetrate the horny layer and no antipruritic effect may be obtained.

Thus, '493 describes a dry composition contains a water-soluble alginate such as sodium alginate or potassium alginate, and a water-soluble divalent metal ion such as calcium ion. The dry composition of '493 is mixed with water to obtain a paste that gels within about 10 minutes. The paste of '493 does not penetrate the horny layer because the dry composition of '493 cannot form an acidic composition. The dry composition does not contain any acid or acidic compounds. Thus, '493 fails to disclose or suggest an acidic composition, as recited in claims 17 and 24.

With regard to '614, this reference relates to an easily miscible reaction-type pack cosmetic. The pack cosmetic is composed of a gel containing a water-soluble alginic acid salt and a powdery part containing a bivalent or polyvalent metal salt, and a retarding agent. The retarding agent retards the reaction of the water-soluble alginic acid salt with the bivalent or polyvalent metal salt.

The pack cosmetic of '614, however, also fails to disclose or suggest forming an acidic composition. '614 does not disclose or suggest anything about the penetration of the paste into the horny layer or about the hydrogel formation of the water-soluble alginate inside the horny

layer. Thus, '614 fails to disclose or suggest an acidic composition, as recited in claims 17 and 24.

Moreover, the other references cited against the claims also fail to disclose or suggest at least those features missing from '493 and '614. None of these references disclose or suggest an acidic composition, as claimed in independent claims 17 and 24.

Because none of the cited references, either alone or in combination, disclose or suggest all the features of independent claims 17 and 24, the claims are not anticipated and are not rendered obvious. The remaining claims depend directly or indirectly from claims 17 and 24. Thus, the dependent claims include the patentable features of claims 17 and 24, and are allowable for at least the reasons given above.

Applicant respectfully submits that none of the cited references, either alone or in combination, teach or suggest the features recited in the present claims. Withdrawal of the anticipation and obviousness rejections is respectfully requested.

Concluding Remarks:

Applicants submit that all issues raised by the Office Action have been addressed. Thus, new claims 17-24 are in condition for allowance. The Examiner is invited to contact the undersigned at the number given below to address any additional issues or concerns.

In view of the foregoing amendments and remarks, early reconsideration and allowance are respectfully requested. In the event there are any other fees due in connection with this submission, please charge our Deposit Account No. 50-4080.

Respectfully submitted,

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